

To: John G. Zahina, Cathy McCarty, Patricia Walker, Marion Hedgepeth  
From: Alfred Mueller, Jr.  
Subject: July 15, 2002 Draft MFL for Loxahatchee River & Estuary  
Date: July 26, 2002

Protection of the healthy floodplain swamp community that currently exists in the Cypress Creek tributary is necessary at this time. Cypress Creek enters the Northwest Fork upstream of river mile 10.2, the area that SFWMD staff concluded as currently representing an unharmed, healthy, sustainable floodplain swamp community. Protection of the Cypress Creek healthy floodplain swamp community should be established through the concurrent development of a MFL for Cypress Creek where Cypress Creek joins the Northwest Fork.

Table 23 on page 97 notes that Cypress Creek contributed 26-32 percent of the average daily flow delivered to the Northwest Fork. During the 1980-81 drought Cypress Creek contributed 39-40 percent of the average flow to the Northwest Fork; and during the 1989-90 drought, 34-47 percent of the average flow was contributed by Cypress Creek. Please also note that the listed average flows for Cypress Creek never fell below 30cfs! Cypress Creek is the second largest contributor to the Northwest Fork.

The subject July 15<sup>th</sup> document clearly indicates that the MFL for Cypress Creek should be no less than 30cfs. The first bulleted item of the Chapter 5, Chapter Summary on page 140 reads as follows: "Long-term flow records for the Loxahatchee River indicate that average flows during the dry season (October 16-May 14) are 70cfs. During extremely dry conditions, such as existed during the 1980-81 and 1989-90 droughts, dry season flows from Lainhart Dam averaged between 26-35cfs (Table 23)." Please note in Table 23 that dry season flows from Cypress Creek averaged consistently 30cfs during the 1980-81 and 1989-90 droughts almost matching and at times exceeding the flow from Lainhart Dam!

Section 373.0421(2), F.S., provides that if it is determined that water flows or levels will fall below an established MFL within the next 20 years or that water flows or levels are presently below the MFL, the water management district must develop and implement a recovery or prevention strategy. Without the establishment of the MFL, the foregoing protection is more limited. That is why establishing a MFL for Cypress Creek concurrently with a MFL for the Northwest Fork is necessary now!

Let's maintain Cypress Creek's current and very significant contributory flow through the establishment of a Cypress Creek MFL of 30cfs concurrently with a Lainhart Dam MFL of 35cfs. A Cypress Creek MFL of 30cfs is needed now before the issuance of new consumptive use permits in the area have an impact on current documented Cypress Creek flows! The healthy floodplain swamp community that currently exists in the Cypress Creek tributary deserves to be protected as well as downstream Northwest Fork benefits that this contributory flow provides.